

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JENNIFER YOUNG

Individually and as Administrator of the
Estate of Richardo Ballez II, deceased,
1410 Main Street, Apartment B
Genoa, OH 43430

Plaintiff,

v.

LONG HAUL TRUCKING, INC.

C/O National Registered Agents, Inc.,
Statutory Agent
145 Baker Street
Marion, OH 43302

and

LEIGHTON A. STEVENS

9129 Farm Road 1567 E
Sulphur Springs, TX 75482

Defendants.

Case No.:

Judge

**COMPLAINT WITH JURY DEMAND
ENDORSED HEREON**

Michael Jay Leizerman (0063945)
Rena Leizerman (0087151)
Leizerman & Associates
3450 W. Central Avenue, Suite 328
Toledo, OH 43606
Phone: (419) 243-1010
Facsimile: (419) 243-8200
michael@leizerman.com
rena@leizerman.com

Charles E. Boyk (0000494)
Kathleen R. Harris (0088079)
Charles E. Boyk Law Offices, LLC
405 Madison Avenue, Suite 1200
Toledo, OH 43604
Phone: (419) 241-1395
Facsimile: (419) 241-8731
cboyk@charlesboyk-law.com
kharris@charlesboyk-law.com

Attorneys for Plaintiff

Jennifer Young, individually and as Administrator of the Estate of
Richardo Ballez II, deceased, files the following complaint.

OVERVIEW

On April 1, 2019, a Long Haul Trucking, Inc. tractor trailer rear ended
a GMC Yukon on Interstate 75 in Perrysburg Township, Wood County, Ohio.
As a result, Richardo Ballez II, a passenger in the Yukon, was killed.

PARTIES

1. Plaintiff Jennifer Young, mother of decedent Richardo Ballez II, is a domiciliary and citizen of the State of Ohio, residing in Ottawa County. On or about October 2, 2019, the Wood County Probate Division of the State of Ohio qualified and appointed Jennifer Young as Administrator of the Estate of Richardo Ballez II.
2. Defendant Long Haul Trucking, Inc. (“Long Haul”) is a for-hire motor carrier operating commercial motor vehicles transporting property in interstate commerce. It is registered with the Federal Motor Carrier Safety Administration with a USDOT number of 282451 and is a business entity organized and existing under the laws of the State of Minnesota with its principal place of business in Albertville, Minnesota. Defendant Long Haul has designated National Registered Agents, Inc., located at 145 Baker Street, Marion, Ohio 43302, as its agent for the purposes of service of process of this complaint under 49 C.F.R. §366.
3. Defendant Leighton Stevens resides at 9129 Farm Road 1567 E, Sulphur Springs, TX 75482.

JURISDICTION and VENUE

4. Plaintiff’s claims are brought under 28 U.S.C. § 1332(a)(1), based upon diversity of citizenship.
5. Since Plaintiff is a citizen of Ohio, no Defendant is a citizen of Ohio and the amount in controversy, exclusive of costs and interest, exceeds \$75,000, diversity jurisdiction exists in this Honorable Court.

6. Venue is appropriate in this Court as this action arises from a motor vehicle collision occurring in Perrysburg Township, Wood County, Ohio, which is located in this judicial district.

FIRST CAUSE OF ACTION

Wrongful Death – Negligence of Leighton Stevens

7. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
8. Plaintiff brings this Cause of Action under Ohio's Wrongful Death Statute, found at O.R.C. § 2125.
9. On or about April 1, 2019, Leighton Stevens was driving a tractor trailer northbound on Interstate 75 in Perrysburg Township, Wood County, Ohio.
10. At or about the same time, Richardo Ballez II was a passenger in a vehicle also heading northbound on Interstate 75 in Perrysburg Township, Wood County, Ohio.
11. Leighton Stevens rear ended the vehicle in which Richardo Ballez II was a passenger, causing the vehicle to travel off the left side of the roadway and overturn.
12. Defendant Leighton Stevens had a duty to drive his semi-tractor trailer in a safe and reasonable manner, to obey all traffic laws, to identify other vehicles on the road, including the one in which Richardo Ballez II was a passenger, and to recognize and yield to traffic.

13. On April 1, 2019, Defendant Leighton Stevens failed in the above-mentioned duties and is therefore negligent.
14. Defendant Leighton Stevens' negligence was the direct and proximate cause of Richardo Ballez II's injuries and death.
15. As a direct and proximate result of the negligence of all defendants, Richardo Ballez II's next of kin and beneficiaries, including his mother Jennifer Young and father Richardo Ballez, have experienced loss of services and his society, including loss of companionship, consortium, care, love, assistance, attention, protection, advice, guidance, counsel, instruction, training, and education; along with mental pain, grief, anguish and emotional trauma in the past and will continue to experience the same in the future.

SECOND CAUSE OF ACTION

Survival Action

16. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
17. As a direct and proximate result of the negligence of all defendants, Richardo Ballez II experienced terror and conscious anguish, suffering and pain prior to his death.
18. As a direct and proximate result of defendants' negligence, Richardo Ballez II's property and personal effects, including clothing and electronic devices, were damaged or destroyed.

19. Defendant Leighton Stevens' actions demonstrate a conscious disregard for the rights and safety of Richardo Ballez II and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of his conduct and knowing there was a great probability of causing substantial harm. Accordingly, Plaintiff demands punitive damages against Defendant Leighton Stevens.

THIRD CAUSE OF ACTION

Vicarious Liability of Defendant Long Haul Trucking, Inc.

20. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
21. At all relevant times, Defendant Leighton Stevens was the employee, agent, servant, or independent contractor for Defendant Long Haul. Accordingly, Defendant Long Haul is vicariously liable for the acts of Defendant Leighton Stevens described in the causes of action above.
22. Regardless of the employment or agency relationship, Defendant Long Haul is an interstate motor carrier and the registered owner of the USDOT number 282451 displayed on the tractor-trailer involved in this collision and is therefore responsible for the acts of the defendant driver.

FOURTH CAUSE OF ACTION

Negligence of Defendant Long Haul Trucking, Inc.

23. All allegations and causes of action in this Complaint, pled above and below, are incorporated into this cause of action by reference.
24. Defendant Long Haul had a duty to act reasonably in hiring, instructing, training, supervising and retaining all drivers operating under its federal motor carrier operating authority and other employees and agents, including Defendant Leighton Stevens, and to promulgate and enforce policies, procedures, and rules to ensure that its drivers and vehicles were reasonably safe. Defendant Long Haul had a duty to exercise reasonable care in all of its actions and omissions.
25. Defendant Long Haul had a duty to exercise reasonable care in entrusting its vehicles and equipment to responsible, competent and qualified drivers.
26. Defendant Long Haul failed in the above-mentioned duties and was therefore negligent.
27. Defendant Long Haul's negligence was the direct and proximate cause of the injuries and death of Richardo Ballez II, and the damages described in this Complaint.
28. Defendant Long Haul's actions demonstrate a conscious disregard for the rights and safety of Richardo Ballez II and the rest of the motoring public, acting with reckless indifference to the consequences to others despite being aware of its conduct and knowing there was a great probability of

causing substantial harm. Accordingly, Plaintiff demands punitive damages against Defendant Long Haul.

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against all Defendants, in an amount that is just and fair and in excess of seventy-five thousand dollars (\$75,000.00) (exclusive of costs and interest), in addition to punitive damages, costs and other relief that this Honorable Court deems just under the circumstances.

Respectfully submitted,

/s/ Michael Jay Leizerman
Michael Jay Leizerman
Leizerman & Associates

and

/s/ Charles E. Boyk
Charles E. Boyk
Charles E. Boyk Law Offices
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury on all triable issues.

/s/ Michael Jay Leizerman
Michael Jay Leizerman
Attorney for Plaintiff